

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TROY B. MANNERY,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 06-1250
)	Judge Conti
COMMONWEALTH OF PENNSYLVANIA,)	Magistrate Judge Caiazza
)	
Respondent.)	

MEMORANDUM ORDER

Troy B. Mannery's Petition for Writ of Habeas Corpus was received by the Clerk of Court on September 20, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 14, 2006, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Mannery be dismissed for failure to prosecute. The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Camp Hill, where he was then incarcerated. Objections were due on or before January 2, 2007. None have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 17th day of January, 2007,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Troy Mannery is dismissed for failure to prosecute.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 12), dated December 14, 2006, is adopted as the opinion of the court.

s/Joy Flowers Conti
Joy Flowers Conti
U.S. District Court Judge

cc:
Troy Mannery, GU-3777
SCI Rockview
Box A
Bellefonte, PA 16823-0820

All parties of record.